

### Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

### Listing of the Claims:

1. (currently amended) A beverage comprising:

- a) water;
- b) a monoprotic antimicrobial agent having a  $pK_a$  of less than about 2.6, or a polyprotic antimicrobial agent having a  $pK_{a1}$  of less than about 2.6 and a  $pK_{a2}$  of less than about 3 or greater than about 6, or both; and
- c) at least about 0.01% by weight tea solids

wherein the beverage is substantially free of citric acid and the polyprotic antimicrobial agent is phosphoric acid or a hydrochloride of glycine, alanine, valine, leucine, isoleucine, phenylalanine, asparagine, glutamine, tryptophan, serine, tyrosine, hydroxyproline, cysteine, proline or mixtures thereof.

2-4 (cancelled)

5. (original) The beverage according to claim 1 wherein the beverage comprises less than about 0.0030% by weight citric acid.

6. (original) The beverage according to claim 1 wherein the beverage comprises a dairy source, fruit flavor, vegetable, cocoa, coffee, tea or a mixture thereof.

7. (previously presented) The beverage according to claim 1 wherein the beverage is tea-containing and comprises at least about 0.01% to about 1.5% by weight tea solids.
8. (original) The beverage according to claim 1 wherein the beverage is tea-containing and comprises from about 0.14% to about 0.40% by weight tea solids.
9. (original) The beverage according to claim 1 wherein the beverage is made from a precursor which is a high solid content tea-containing liquid.
10. (original) The beverage according to claim 1 wherein the beverage is not sweetened.
11. (original) The beverage according to claim 1 wherein the beverage is not carbonated.
12. (original) The beverage according to claim 1 wherein the beverage has a pH from about 2.75 to about 5.0.
13. (original) The beverage according to claim 1 wherein the beverage is thermally treated from about 80°C to about 95°C.
14. (original) The beverage according to claim 1 wherein the beverage is packaged in a glass bottle, plastic bottle, can or Tetra Pak package.
15. (cancelled)

16. (original) The beverage according to claim 1 wherein the beverage comprises less than about 0.0030% by weight citric acid.

17. (currently amended) A method for making a microbiologically stable beverage comprising, in no particular order, the steps of:

- a) mixing a beverage precursor with water and acidulant to produce a mixture;  
and
- b) thermally treating the mixture at a temperature from about 80°C to about 95°C to produce the microbiologically stable beverage

wherein the acidulant is monoprotic and has a pKa of less than about 2.6, or is polyprotic and has a pKa<sub>1</sub> of less than about 2.6 or a pKa<sub>2</sub> of less than about 3 or greater than about 6 and the beverage is tea-containing with at least about 0.01% by weight tea solids further wherein the acidulant is phosphoric acid or a hydrochloride of glycine, alanine, valine, leucine, isoleucine, phenylalanine, asparagine, glutamine, tryptophan, serine, tyrosine, hydroxyproline, cysteine, proline or mixtures thereof.

18. (previously presented) The method according to claim 17 wherein the beverage is a tea-containing beverage that comprises from about 0.01 to about 1.5% by weight tea solids.

19. (cancelled)

20. (original) The method according to claim 17 wherein the beverage comprises less than about 0.0030% by weight citric acid.